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**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN # 049, FY07

SUBJECT: Creditable Service for Annual Leave Accruals

EFFECTIVE DATE: Final regulations effective October 18, 2006. The provisions of this HR Bulletin were effective April 28, 2005, the date of the Office of Personnel Management's interim regulations. However, HR offices may not retroactively approve the provisions of this rule (back to April 28, 2005) since approvals for crediting prior service must be made prior to an employee entering on duty.

EXPIRATION DATE: Effective until canceled or superseded

APPENDS: 5 USC 6303 by adding Section 202(a) and 5 CFR, Part 630, Section 630.205, "Credit for Prior Work Experience and Experience in a Uniform Service for Determining Annual Leave Accrual Rate".

BACKGROUND: On April 29, 2005, the Office of Personnel Management (OPM) issued proposed regulations to implement section 202(a) of the Federal Workforce Flexibility Act. This Section of the Act allows newly appointed or reappointed employees covered under the Federal annual and sick leave program (established under chapter 63 of title 5, United States Code) to be given service credit for prior non-Federal experience that otherwise would not be creditable for the purpose of determining an employee's annual leave accrual rate. This human resources flexibility is intended to assist agencies in recruiting individuals with the skills and experience necessary to achieve an important agency mission or performance goal.

PURPOSE: The purpose of this HR bulletin is to provide updated policy guidance on crediting prior non-Federal work experience for determining an employee's annual leave accrual rate.

COVERAGE AND EXCLUSIONS: Provisions of this HR bulletin are applicable to an individual (1) receiving his or her first appointment (regardless of tenure) as a civilian employee, or (2) being reappointed following a break in service of at least 90 calendar days from his or her last period of civilian Federal employment. The series and

occupations for which a bureau may approve credit for determining an employee's annual leave accrual rate are limited to the Department's 22 mission critical occupations identified as part of its Human Capital Initiative in the Recruitment and Retention Plan as follows:

- 0110 - Economist
- 0301 - Miscellaneous Administrative and Program Management
- 0343 - Management Analyst
- 0482 - Fishery Biology
- 0500 - Accounting and Budget Group
- 0855 - Electronic Engineer
- 0905 - Attorney
- 1101 - General Business and Industry
- 1102 - Acquisition
- 1140 - Trade Specialist
- 1224 - Patent Examining
- 1301 - General Physical Science
- 1310 - Physics
- 1315 - Hydrology
- 1320 - Chemistry
- 1340 - Meteorology
- 1360 - Oceanography
- 1529 - Mathematical Statistician
- 1530 - Statistician
- 1550 - Computer Science
- 1801 - General Inspections, Investigations and Compliance
- 2210 - Information Technology Specialist

The provisions of this HR bulletin are not applicable to current Federal employees who were employed before the effective date (i.e., April 28, 2005) of OPM's interim regulations. Also, since the determination to credit prior non-Federal work experience for service credit for leave must be made before an employee enters on duty, HR offices may not retroactively apply the provisions of this HR Bulletin (back to April 28, 2005).

BASIC PRINCIPALS:

01. The skills and experience the employee possesses must be essential to the new position and must have been acquired through a performance in a non-Federal position having duties that directly relate to the duties of the position to which the employee is being appointed.
02. The skills and experience for an employee who is a retired member of a uniformed service, must be essential to the new position and must have been acquired through a performance in a position in the uniformed services having duties that directly relate to the duties of the position to which the employee is being appointed.
03. The skills and experience the employee possesses are necessary to achieve an important agency mission or performance goal.

04. Determinations to approve prior non-Federal service or active duty uniformed service must be made before the employee enters on duty.
05. Employees are to receive credit for non-Federal service or active duty uniformed service upon the effective date of initial appointment or reappointment to Federal service.
06. The amount of credit for non-Federal service or active duty in the uniformed service may not exceed the actual amount of service during which the employee performed duties directly related to the position to which the employee is being appointed. In accordance with OPM's Guide to Processing Personnel Actions, Chapter 6, Subchapter 1, a qualifying employee will receive 1 day credit for each full day or part-time service.
07. The prior non-Federal service or active duty uniformed service remains creditable for annual leave purposes unless the employee fails to complete 1 full year of continuous service with the appointing agency. If an employee separates from Federal service or transfers to another Federal agency (i.e., not a Commerce bureau) prior to completing 1 year of continuous service, the employee is not entitled to retain the service credit and the additional service credit must be subtracted from the employee's total creditable service. A new service computation date (SCD) for leave must be established prior to the employee's separation or transfer.
08. The amount of creditable service is not affected by periods of non-pay status (i.e., leave without pay, absence without leave, etc.). The completion date of the 1 full year of continuous service must be extended for periods of non-pay status. Any period of non-pay status due to active duty uniformed service or a compensable injury must be credited as though the employee had remained in a pay and duty status.
09. Once an employee is permanently credited with a period of non-Federal service or active duty uniformed service (after completion of 1 full continuous year with the appointing agency), that period of service may not be considered for further credit if the employee has a future break in service.
10. An employee who loses service credit for prior non-Federal service or uniformed service and is subsequently reappointed to a Federal position, may receive credit for that same period of non-Federal or active duty uniformed service, if he/she meets all the conditions for receiving such credit.
11. Annual leave accrued and accumulated as a result of receiving credit for non-Federal service or active duty uniformed service remains to the credit of the employee, even if the employee fails to complete the full 1 year of continuous service.
12. Bureau Human Resources Offices (HROs) have the delegated authority to certify that an employee's prior non-Federal service or active duty uniformed service experience meets the eligibility requirements.

DOCUMENTATION: An employee must provide written documentation outlining the non-Federal or uniformed service work experience that is directly related to the duties of the position to which the employee is being appointed. Bureaus must file and maintain documentation justifying the use of this flexibility to include (at a minimum):

- the skills and experiences the employee possesses that are essential to the new

position and the duties the employee performed in the non-Federal position or uniformed service that are directly related to the duties of the position to which the employee is being appointed. To receive credit for active duty uniformed service the employee must provide written documentation for the military services.

- why the use of this authority is necessary to achieve an important agency mission or performance goal.
- inclusive dates of the period of time covering the experience to be credited.
- a copy of the position description or statement of duties the employee is expected to perform.

Bureau HROs may require additional documentation to justify and or document the conditions (e.g., a service agreement, etc.) of the service credit.

PERSONNEL ACTION DOCUMENTATION: Non-Federal service or active duty uniformed service must be documented on the Standard Form (SF) 144A, Statement of Prior Federal Service, and include a reference in the "Remarks" section of the SF-144A indicating that the SCD-Leave includes creditable non-Federal service or active duty uniformed service work experience that otherwise would not be credited. The period of non-Federal or active duty uniformed service being credited to the employee must be included in Block 31 (Service Computation Date) of the SF 50, Notification of Personnel Action upon appointment with the agency as follows:

- B73 – You are receiving XX years and XX months (enter the number of years and months) credit towards your SCD-Leave as shown in Block 31 for non-Federal service from (enter date) to (enter date). You will lose entitlement to this service credit if you fail to meet 1 full year of continuous service with the agency.
- B74 - You are receiving XX years and XX months (enter the number of years and months) credit towards your SCD-Leave as shown in Block 31 for active duty uniformed service from (enter date) to (enter date). You will lose entitlement to this service credit if you fail to meet 1 full year of continuous service with the agency.
- M39 – Creditable Military Service (enter the number of years and months). Include the total of all periods of active duty uniformed service for which the employee is receiving credit towards the SCD for leave.

Once the servicing HRO processes the SF-50 in the National Finance Center (NFC) payroll/personnel system, they must contact the employee's timekeeper and provide the correct SCD and the annual leave accrual rate for entry on the time and attendance (T&A) record.

TIME AND ATTENDANCE PROCESSING: Upon notification from the HRO, timekeepers must enter the SCD (adjusted to include the service credit) on the Employee T&A Profile Screen in the SCD field. The webTA system will automatically generate the annual leave accrual rate in the Leave Data Screen. For DOS T&A users, timekeepers are to enter the annual leave accrual rate on the Leave Balance Screen under the annual leave Accrued category.

REFERENCES: Title 5 CFR, Part 630, Federal Register: September 18, 2006 (Volume 71, Number 180); OPM's Questions and Answers on Providing Credit for Determining an Employee's Annual Leave Accrual Rate

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